

TOWNSHIP OF DERRY  
BOARD OF SUPERVISORS MEETING

Tuesday, November 11, 2014  
600 Clearwater Road, Hershey, Pennsylvania 17033

**CALL TO ORDER**

The November 11, 2014 Township of Derry Board of Supervisors meeting was called to order at 7:05 p.m. by John Foley, Jr., Chairman.

**ROLL CALL**

***Supervisors Present:***

Justin C. Engle, Secretary  
John W. Foley, Jr., Chairman  
Marc A. Moyer, Vice-Chairman  
Matthew A. Weir

***Supervisors Absent:***

Sandy A. Ballard

***Also Present:***

Matt Bonanno, HRG Engineer  
Thomas R. Clark, Director of Public Works  
Bob DiLello, Fire Company  
Barbara Ellis, Director of Hershey Public Library  
Charles W. Emerick, Director of Community Development  
Jill E. Henry, Assistant Township Manager  
Matt J. Mandia, Director of Parks and Recreation  
James N. Negley, Township Manager/Township Treasurer  
Lt. Garth Warner, Police Department  
Terry M. Weinhold, Manager of Accounts Payable & Receivable  
Jon A. Yost, Township Solicitor  
Brenda Van Deursen, Recorder

***Public Present:***

***Chairman Foley advised that all public meetings are recorded for providing accurate minutes.***

***Chairman Foley announced that the Board of Supervisors met in executive session to discuss land, legal, and personnel issues.***

**OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

No one came forward.

**APPROVAL OF MINUTES**

Chairman Foley called for a motion to approve the Minutes of the October 14, 2014 Public Hearing. Supervisor Weir made a motion to approve the Minutes as written. Supervisor Engle seconded. ***The motion carried, 4-yes 0-no***

Chairman Foley called for a motion to approve the Minutes of the October 14, 2014 Board of Supervisors meeting. Supervisor Engle made a motion to approve the Minutes as written. Supervisor Weir seconded. *The motion carried, 4-yes 0-no*

## **NEW BUSINESS**

### **A1-28 Consideration of Ordinance No. 655 for the issuance of General Obligation Bond, Series 2014, in the estimated aggregate principal amount of \$5,000,000 on behalf of the Derry Township Municipal Authority.**

**Lou Verdelli, RBC Capital Markets** – This is for the final approval of the issuance of general obligation bonds that DTMA had asked the Township to issue on behalf of them. It does allow them to borrow at the lowest possible interest rate.

The purpose of this new issue is to retire 2011A line of credit that was put in place to help DTMA deal with all the costs involved with the flooding. Half of this money is being used to retire that line of credit and the other half is for capital projects and equipment needs. These are general obligation bonds that the Township is entering and there is a subsidy agreement that has already been in place from the previous issues that the Township has issued on behalf of the Authority. This needs to get done not only because interest rates were attractive, but because there are other opportunities for the Authority to do refinancing in 2015. The issue is for \$5,000,000 and we had to have the Township's credit rating updated for the Township to issue these bonds. The credit rating was confirmed at the AA+ with a stable outlook. The interest rate is fixed at 2.53%. This financing goes out for 13 years and the bulk of the bonds are in the last two years. The call date is December 15, 2019. The proposed Ordinance accepts everything reviewed.

Solicitor Yost noted that the suggested motion referred to the principal amount being an estimated number when in fact it is an actual number.

**Motion:** A motion made by Supervisor Engle and seconded by Supervisor Weir that consideration of Ordinance No. 655 for the issuance of General Obligation Bond, Series 2014, in the principal amount of \$5,000,000 on behalf of the Derry Township Municipal Authority, is hereby approved. *The motion carried, 4-yes 0-no.*

### **B1-11 Approval of the fourth Revised Preliminary/Final Land Development Plan for Deer Run Commons, Plat No. 1245.**

**Charles W. Emerick, Director of Community Development** – DSG Development Corporation has submitted this plan four times. Initially this plan came as Plat #1092, which represented 92 apartment units and 25 townhomes. The plan has been revised four times to make changes to the density of the development. The replacement of apartment style units with the townhome units resulted in 18 less dwelling units.

Of this development, Lot #1 is the main area where the buildings are being developed and it contains 23.1 acres. Lot #3 is the property to the east and contains 1.98 acres, and Lot #2 contains 1.54 acres and that is proposed for dedication to the Township. Prior plans for this development did rely on the density provided by Lot #2 and that is no longer the case. This development can stand alone within Lot #1 by the density proposed.

With the reduction of the 18 units, the Park and Recreation fee has been overpaid in the amount of \$23,691.78 and it should be reimbursed to the applicant.

The developer had originally offered a traffic contribution of \$641.00 per unit throughout the development. A payment was made during the first phase, and then no further payments were received. What is proposed now is that based on the fee in the 155 units now proposed, the total traffic contribution would be \$99,355. \$74,355 dollars are yet outstanding. The developer recently proposed to Mr. Emerick payment of a lump sum of \$32,050 to cover the units constructed to-date and has offered to pay \$641.00 fee per unit as part of the building permit.

With this being the fourth revision to the plan, much of the stormwater infrastructure is installed for the development. It was done prior to the present stormwater ordinance. The stormwater waiver would allow them to complete the development under the previous stormwater ordinance, which is an acceptable solution. There is some sanitary sewer that was never installed and the security for it was released. Mr. Emerick asked that a condition be added to the conditions of approval that security is posted to guarantee proper installation of the sanitary sewer facilities.

Vice-Chairman Moyer asked if Whitetail Drive and Fawn Lane are going to be private. Mr. Emerick said they will remain private.

Supervisor Engle asked Matt Bonanno to comment on the stormwater waiver. Mr. Bonanno said he reviewed the stormwater under the ordinance and the applicant had addressed all his comments. Had this construction been completed by now there would be no reason for the waiver. Because the construction has been so slow, the ordinance has changed. The regulations in place are not drastically different than what we had in place and because there is a permit for this, they met some of the standards already.

Supervisor Engle asked about the Deed of Dedication at Lot #3. Mr. Emerick said there was a right of way dedication offered for a plan done that was on one side of the flag pole and there was a right of way dedication offered that was done for a plan for the Hershey Heights. We are just attempting to connect the two right of way dedications.

Solicitor Yost asked about the additional funds needed for the sewer connections and if that was going to be an agreement with the Township or with DTMA. Mr. Emerick said in the past, for subdivisions and land developments like this, it has been with the Township.

**Motion:** A motion made by Supervisor Weir and seconded by Supervisor Engle that the 4th Revised Preliminary/Final Land Development Plan for Deer Run Commons, Plat No. 1245, is hereby approved subject to the following:

- a. That the applicant reimburse the Township for costs incurred in reviewing the plan no later than December 11, 2014.
- b. That agreements for the ownership and maintenance of the stormwater management facilities are provided to the Township no later than May 11, 2015.
- c. That a revised Full Disclosure Statement is provided to the Township no later than May 11, 2015.
- d. That an owner's association agreement is provided to the Township no later than May 11, 2015.

- e. That a deed of dedication for road right-of-way at Lot 3's connection to Middletown Road is provided to the Township no later than May 11, 2015; that HRG reviews and approves the language in the deed; and that the deed and accompanying exhibit are recorded concurrently with the plan.
- f. That the balance of the traffic contribution of \$641.00/unit that was offered under Plat #1092 is provided to the Township. This amount is \$74,355.00. A developer's agreement with the Township, defining the terms of payment and as approved by the Township solicitor, must be executed prior to plan recording. The funds are to be used by the Township for traffic improvements in the Middletown Road corridor within 10 years after the receipt of the funds by the Township.

It is further moved that the following waivers are granted from the Subdivision and Land Development Ordinance:

- a. From Sections 185-12.D.(2) and 185-13.E.(3) to allow a plan scale of 1" = 100' for the overall plan views to fit on one sheet.
- b. From Section 185-26 to allow stormwater design in compliance with Chapter 174 prior to the December 21, 2010 amendment.

***The motion carried, 4-yes 0-no.***

**C1-3 Authorization to advertise an ordinance amending the Code of the Township of Derry (Ordinance No. 553), Chapter 210, Section 210-24 – Stop intersections established by establishing a multi-way (3-way) stop sign controlled intersection at the intersection of Kaylor Road and Stoverdale Road.**

**Lt. Garth Warner, Police Department** – This study was completed at the direction of the Board of Supervisors to look at the intersection of Kaylor Road and Stoverdale Road to see if there was a need for an all-way stop. Our traffic safety section took a look at this and determined that the site distance basically on all approaches was not sufficient. There was no way to improve this site distance.

**Motion:** A motion made by Supervisor Engle and seconded by Vice-Chairman Moyer that authorization to advertise an ordinance amending the Code of the Township of Derry (Ordinance No. 553), Chapter 210, Section 210-24 – Stop intersections established by establishing a multi-way (3-way) stop sign controlled intersection at the intersection of Kaylor Road and Stoverdale Road, is hereby approved. ***The motion carried, 4-yes 0-no.***

**D1-2 Authorization to advertise an ordinance amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210, Section 210-12. Maximum Speed Limits Established on Certain Streets, by establishing a 35 mph speed limit on Shopes Church Road from Roush Road to the Township line.**

**Lt. Garth Warner, Police Department** – This study was conducted in reference to a speeding complaint received from a resident on Shopes Church Road. Currently there is no speed limit established there and by law it would be 55 mph on that roadway. A study was done and 35 mph was decided upon in this area.

**Motion:** A motion made by Vice-Chairman Moyer and seconded by Supervisor Weir that authorization to advertise an ordinance amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210, Section 210-12. *Maximum Speed Limits Established on Certain Streets*, by

establishing a 35 mph speed limit on Shopes Church Road from Roush Road to the Township line, is hereby approved. *The motion carried, 4-yes 0-no.*

**E1-3 Authorization to advertise an ordinance amending the Code of the Township's Motor Vehicle and Traffic Ordinance No. 553, Chapter 210, Article IV, Section 210-43, Stopping, standing or parking on roadway or unloading, by moving all listed parking restrictions on "E" Street and South Fourth Street in Section 210-38, Parking prohibited at all times in certain locations to Section 210-43 and deleting them from Section 210-38.**

**Lt. Garth Warner, Police Department** – This is the area to the west end of the tennis courts and to the rear of Middle School football field. Currently that area along the south side of South Fourth Street and along the east side of E Street is posted no parking. The width of the alleyways does not permit free travel and if somebody parks in those areas it creates a hazard. People parking in those areas and waiting in their vehicles for extended periods of time creates a line of site issue. Parking restriction is already in place and we just need to make it a no stopping or standing.

Chairman Foley said recognizing we are going to have 20-30 midget football players where would a pickup location be. Lt. Warner said currently they are directing them to either park further up in the alley or park in the parking area off to the north side of east Areba or at the elementary school.

**Motion:** A motion made by Vice-Chairman Moyer and seconded by Chairman Foley that authorization to advertise an ordinance amending the Code of the Township's Motor Vehicle and Traffic Ordinance No. 553, Chapter 210, Article IV, Section 210-43, Stopping, standing or parking on roadway or unloading, by moving all listed parking restrictions on "E" Street and South Fourth Street in Section 210-38, Parking prohibited at all times in certain locations to Section 210-43 and deleting them from Section 210-38, is hereby approved. *The motion carried, 4-yes 0-no.*

### **CORRESPONDENCE/BOARD/COMMITTEE INFORMATION**

Chairman Foley said that he, Mr. Moyer, Manager Negley, three members of school board, and the School superintendent met for their quarterly meetings regarding a variety of issues involving the Township and the School District. In addition, we will shortly see the capital campaign for the new fire station kicking off in the next 20 days.

Vice-Chairman Moyer commended Girl Scout Group 11034 who recently presented an anti-bullying campaign and program to the school board.

Supervisor Engle and Chairman Foley recently met with some of the leadership at the HMC regarding highway improvements on 322 in the area of Cherry Drive and Fishburn Road to advance a resolution.

### **REPORT**

**Bob DiLello, Fire Company** – The HVFD is gearing up for their capital funding campaign. The HVFD is teaming up with the Church of Nazarene to serve free turkey dinners on Thanksgiving Day from 11-2.

**Barbara Ellis, Director of Hershey Public Library** – On Sunday, November 16 at 2:00 there will be a visitor to talk about Louisa Mae Alcott and her books. This coming Thursday evening there will be a computer class about security and privacy issues.

**Matt J. Mandia, Director of Parks and Recreation** – The regular Parks and Recreation Advisory Board meeting has been rescheduled to next Wednesday, the 19<sup>th</sup> at 7:00. Supervisor Weir thanked Mr. Mandia and his staff, Mr. Clark and Bob Piccolo for their efforts in planting trees along the trail.

**Chris Brown, Derck & Edson** – Sidewalks, may be required, but may not be the best to do. The Township should get an ordinance in place for a developer who requests a waiver for fee in-lieu of, then establish where the money should be spent, and adopt an official map to help make better decisions related to growth. The map will help guide where to spend the money for a sidewalk or bike path. This fund could provide as a local match for when the Township has to match funds. Can be a perpetual funding for sidewalks.

Vice-Chairman Moyer asked Mr. Brown how he would recommend the official map be created in terms of where the path should go. Would it be a public input? Mr. Brown said part of the comprehensive plan includes non-motorized transportation and gives us opportunity to poll the neighbors and businesses.

Vice-Chairman Moyer asked if engineering concerns will be calculated into the recommended bike paths and walking paths. Mr. Brown said it has to. There are going to be areas where sidewalks make sense, but there could be some barriers. You have to also consider safety.

Supervisor Engle said an official map includes growth and could also include future road connections, park open space opportunities, etc.

Chairman Foley asked Mr. Brown if he would be able to speak on the Natatorium at the Hershey Lodge and Convention Center. Mr. Brown said that site is currently asking for a waiver of the sidewalk requirements. Looking at it, he thought connecting sidewalk along University Drive from 422 intersection back to the main entrance of the Hershey Lodge seems to be a reasonable connection. He doesn't know if he would support a waiver from a planning perspective on that stretch of that frontage. However, when safety concerns were brought up about where you would locate a sidewalk, he started to look at the corridor of 422 and the frontage of 422 a little differently. He thinks 422 and the portion of the property that fronts on Sipe Road would be an area from a planning perspective to support a waiver and working with the developer on a fee in lieu of. As far as it relates to the frontage on University Drive, the opportunity to do a sidewalk up against a curb is one option and the opportunity of doing a multipurpose asphalt trail could be something that would be allowable.

Supervisor Engle asked Mr. Brown if he was prepared to give an update on the Comprehensive Plan. Mr. Brown said he reviewed contracts today and should be finalizing it within the next week. They are looking to early December as the initial future land use discussion.

**Charles Emerick, Director of Community Development** - Mr. Emerick provided the Board a first installment in the violation tracking standard operating procedures. From January to October there were 226 violations with 19 presently outstanding. Missing from the report is any type of recommendation.

**James Negley, Township Manager/Treasurer** – Tomorrow night, November 12 at 5:30, there will be a budget hearing.

**APPROVAL OF ACCOUNTS PAYABLE (\$302,579.84) AND PAYROLL (\$309,021.02).**

Vice-Chairman Moyer moved to approve accounts payable in the amount of \$302,579.84 and payroll in the amount of \$309,021.02. Supervisor Engle seconded. ***The motion carried, 4-yes 0-no.***

**OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

No one came forward.

**ADJOURNMENT**

Vice-Chairman Moyer moved to adjourn the meeting at 8:05 p.m. Supervisor Engle seconded. ***The motion carried, 5-yes 0-no.***

SUBMITTED BY:

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Justin C. Engle  
Township Secretary

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Brenda Van Deursen  
Recording Secretary